

### **REMARKS**

Claims 1 and 4-8 remain in the application. Claim 1 has been amended. Claim 1 is in independent form. Claims 2 and 3 have been cancelled.

First, Applicant has amended the specification to provide for the claim of the benefit of priority of the provisional application as noted by the Examiner.

Second, claim 1 has been amended to replace the word "arrange" with -- arranged -- as suggested by the Examiner to correct the typographical error.

Claims 1-3 and 5-8 stand rejected under 35 USC 102(b) as being anticipated by Jones (US 2002/0060481). The Examiner contends that Jones discloses a seat assembly (10) for use in an automotive vehicle comprising: a generally horizontal seat cushion (14); a seat back (16) pivotally coupled to said seat cushion (14) for movement between an upright seating position and a folded flat position overlying the seat cushion (14), the seat back (16) including a front face and an opposite rear face; a seat back panel (28) fixedly secured to the rear face of the seat back (16) and having a support surface (34) for supporting a load above the seat back (16) in the folded flat position; and at least one hook (62) secured to the seat back panel (28) and arranged to project downwardly from the seat back in the upright position to prevent usage and project upwardly from the seat back (16) in the folded flat position for use in supporting articles on the seat back panel.

In response, Applicant has amended independent claim 1 to set forth: A seat assembly for use in an automotive vehicle comprising: a generally horizontal seat cushion (10); a seat back (12) pivotally coupled to said seat cushion for movement between an upright seating position and a folded flat position overlying said seat cushion, said seat back including a front face (13) facing said seat cushion and an opposite rear face (15); a seat back panel (2) fixedly secured to said rear face of said seat back and having a support surface (5) for supporting a load above said seat back in said folded flat position; and at least one hook (16) fixedly secured to said seat back panel and arranged to project downwardly from said seat back when in said upright position to prevent usage and project upwardly from said seat back when in said folded flat position for use in supporting articles on said seat back panel; said hook including a slanted portion (18) fixedly secured to said seat back panel and projecting outwardly and downwardly from said seat back panel when said seat back is in said upright seating position and a retaining portion (20) fixedly secured to and projecting from said slanted portion and generally perpendicular to said seat back in said folded flat position defining a generally U-shaped channel between said retaining portion and said seat back panel for receiving and securing articles on said hook when said seat back is in said folded flat position.

First, the hook (62) of Jones is not fixedly secured to the seat back panel (28). Rather, the utility support member (62) is slidably and rotatably coupled between the seat back and the seat back panel (28) and movable between a stowed position recessed against the rear surface of the seat back and a use position extending outwardly and cantilevered from the seat back panel for supporting a utility device. The movement of the support member (62) between the stowed

position and the use position is independent of the movement of the seat back between the upright position and the folded flat position.

Applicant's invention as set forth in amended claim 1 requires the hooks (16) be fixedly secured to the seat back panel (2) such that the hooks are arranged to project downwardly when the seat back is in the upright position preventing usage and project upwardly when the seat back is in the folded flat position for use in supporting articles. That is, the position of the hooks for non-use and use is directly dependent upon the position of the seat back between the upright position and the folded flat position, respectively.

Additionally, amended claim 1 sets forth the hook including a slanted portion (18) fixedly secured to the seat back panel (2) and a retaining portion (20) fixedly secured to and projecting from the slanted portion whereby when the seat back is in the folded flat position, a U-shaped channel is defined between the retaining portion (20) and the seat back panel (2) for receiving and securing articles on the hook (16).

Jones does not disclose a hook fixedly secured to the seat back panel and having a slanted portion and a retaining portion wherein the retaining portion and seat back panel define a U-shaped channel therebetween for receiving and securing articles.

Still further, claim 5 has been amended to set forth the seat back panel includes a connection piece (38) fixedly secured to the rear face of the seat back and extending outwardly

and generally perpendicular to the seat back, wherein the U-shaped channel is formed between the retaining portion (20) of the hook (16) and the connection piece (38).

Finally, claim 6 has been amended to set forth the seat back panel includes a support surface piece (40) extending from the connection piece generally parallel to the seat back to a distal end to support a load spaced from the seat back and define a cavity between the support surface piece and the seat back for stowage.

Jones also clearly does not disclose the connection piece and supporting surface piece as defined in claims 5 and 6.

Therefore, Applicant submits that amended independent claim 1 and dependent claims 4-8 clearly define the invention over the cited prior art and the rejection should be withdrawn.

Finally, claim 4 stand rejected under 35 USC 103(a) as being unpatentable over Jones in view of Pesta et al. (6,142,561). Pesta teaches the use of a clip (68) for attaching a seat back panel (22) to a frame member (24).

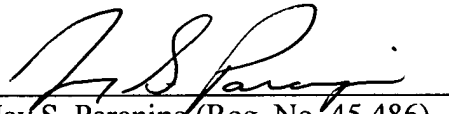
However, based on the amendments to independent claim 1, Pesta in combination with Jones fails to disclose the invention as now set forth. Therefore, the rejection should be withdrawn.

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Therefore, it is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to charge any additional fee associated with this Communication to Deposit Account No. 50-1759. A duplicate of this form is attached.

Respectfully submitted,



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